



**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

**Caption in compliance with D.N.J. LBR 9004-2(c)**

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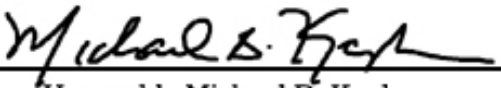
In Re:	:	Case No. 10-15436
	:	
	:	Chapter 11
ETHAN H, LLC,	:	
	:	Judge Michael B. Kaplan
Debtor.	:	
	:	Hearing Date: August 2, 2010 @ 10:00 a.m.

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**ORDER SETTLING SAYREVILLE PLAZA'S CERTIFICATION OF DEFAULT  
SEEKING TO TERMINATE A NONRESIDENTIAL REAL PROPERTY LEASE  
WITH THE DEBTOR AND FOR RELATED RELIEF**

The relief set forth on the following pages, numbered two (2) through five (5), is hereby  
ORDERED.

**DATED: 8/4/2010**

  
\_\_\_\_\_  
Honorable Michael B. Kaplan  
United States Bankruptcy Judge

In re: Ethan H, LLC  
Case No. 10-15436 (MBK)  
Page 2 of 5

**ORDER SETTLING SAYREVILLE PLAZA'S CERTIFICATION OF DEFAULT  
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This matter having been opened to the court by Sayreville Plaza, LLC ("Sayreville Plaza"), a creditor and lessor of commercial real property to the debtor and debtor-in-possession, Ethan H, LLC (the "Debtor"), through its undersigned attorneys, Nowell Amoroso Klein Bierman, P.A., by way of filing a certification of default on July 20, 2010 pursuant to the terms of this Court's July 15, 2010 Order, seeking entry of an order terminating a lease of non-residential real property (the "Lease"), regarding the real property located at 960 Route 9 South, South Amboy, New Jersey (the "Leased Premises"), evicting the Debtor from the Leased Premises, and converting the Debtor's Chapter 11 case to a Chapter 7 case, it appearing that pursuant to the terms of this Court's order, dated July 15, 2010, as of the August 2, 2010 hearing the Debtor was in arrears for \$3,008.75 for a portion of July rent, was in arrears \$3,000.00 for weekly payments towards counsel fees, and was in arrears for one third of August rent in the amount of \$9,336.25, representing total arrears of \$15,345.00, and the Court having conducted a hearing on August 2, 2010 regarding the foregoing defaults; and Sayreville Plaza and the Debtor having agreed to the relief provided for herein, it is hereby:

ORDERED, that the Debtor shall remit a payment of \$8,000.00 to Sayreville Plaza by over night delivery of a bank check to be received by Sayreville Plaza's counsel on August 3, and it is further

ORDERED, that the Debtor will pay \$7,345.00 in the form of a bank check to be received

In re: Ethan H, LLC  
Case No. 10-15436 (MBK)  
Page 3 of 5

**ORDER SETTLING SAYREVILLE PLAZA'S CERTIFICATION OF DEFAULT  
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by Sayreville Plaza's counsel by 5 p.m. on Friday, August 6, 2010, and it is further

ORDERED, the Debtor shall continue the weekly payments of \$1,000.00 towards Sayreville Plaza's counsel fees as provided in the July 15, 2010 order, subject to such payments being made by bank check and being due on Tuesdays rather than Mondays, and it is further

ORDERED, the Debtor shall remit the rent for August in 3 equal payments of \$9,336.25 each, payable to Sayreville Plaza by bank check to be received by Sayreville Plaza's counsel by August 3, August 10 and August 17, 2010, and it is further

ORDERED, all of the payments provided for herein shall be time of the essence and delivered to Sayreville Plaza's counsel, Nowell Amoroso Klein Bieman, PA, 155 Polifly Road, Third Floor, Hackensack, New Jersey, and received by 5:00 p.m. on the applicable due date, and it further

ORDERED, the Debtor's monthly operating reports for May and June shall be filed with the Court by no later than August 17, 2010, and it is further

ORDERED, that in the event the Debtor does not remit any of the payments provided for herein so that it is received by Sayreville Plaza's counsel by 5:00 pm on the applicable due date, the Debtor will be in default, and it is further

ORDERED, upon default as defined in the immediately preceding decretal paragraph, Sayreville Plaza shall be entitled to immediate entry of an order terminating the Lease, granting

In re: Ethan H, LLC  
Case No. 10-15436 (MBK)  
Page 4 of 5

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Sayreville Plaza relief from the automatic stay in order to exercise its rights under the Lease, including evicting the Debtor, and converting the Debtor's Chapter 11 case to a Chapter 7 case, by filing a certification of default with a proposed form of order granting the foregoing relief, solely on ecf notice to the Debtor, and it is further

ORDERED, in the event of a default by the Debtor hereunder, and Sayreville Plaza's subsequent filing of a certification of default, the Debtor's defense to same shall be that the required payment(s) was paid in full in compliance with the strict time table provided for herein, and it is further

ORDERED, that if the Lease is deemed terminated hereunder, then the Debtor shall immediately terminate the use of the Leased Premises; and it is further

ORDERED, the Debtor will provide Sayreville Plaza and Unity Bank with a copy of all purchase offers or terms sheets for any of the Debtor's assets within 3 days of the Debtor's receipt of same, and it is further

ORDERED, that this Order is effective immediately and the ten (10) day stay period imposed by Federal Rule of Bankruptcy Procedure 4001(a) (3) with respect to the lifting of the automatic stay is waived; and it is further

ORDERED that Sayreville Plaza's counsel shall serve a copy of this Order upon the Debtor, the Debtor's counsel, all parties who filed a notice of appearance and request for service of papers,

In re: Ethan H, LLC  
Case No. 10-15436 (MBK)  
Page 5 of 5

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and the Office of the United States Trustee, within seven (7) days hereof.

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